

Message

From: Wade, Alexis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5C9FBA2EF8444572A39185242B70593B-WADE, ALEXIS]
Sent: 10/7/2019 2:13:50 PM
To: Ramach, Sean [Ramach.Sean@epa.gov]; Zobrist, Marcus [Zobrist.Marcus@epa.gov]
CC: Wood, Robert [Wood.Robert@epa.gov]; Levine, MaryEllen [levine.maryellen@epa.gov]
Subject: RE: Cooling Water Intake Rule - ESA - CORRECTED

Thanks Sean. Understood. This request comes out of a lot of discussions already about assumption and ESA and some state-specific issues. We've discussed the distinctions between the programs previously.

Alexis Wade
Attorney-Adviser
Water Law Office
EPA Office of General Counsel
(202) 564-3273

-----Original Message-----

From: Ramach, Sean <Ramach.Sean@epa.gov>
Sent: Monday, October 07, 2019 10:11 AM
To: Wade, Alexis <Wade.Alexis@epa.gov>; Zobrist, Marcus <Zobrist.Marcus@epa.gov>
Cc: Wood, Robert <Wood.Robert@epa.gov>; Levine, MaryEllen <levine.maryellen@epa.gov>
Subject: RE: Cooling Water Intake Rule - ESA - CORRECTED

Ex. 5 Deliberative Process (DP)

None the less, we can pull materials together, but not sure it will provide benefit. Might be beneficial to provide the Section 10 overview as well.

Cheers,

Sean Ramach

Environmental Scientist | P:202-564-2865 | ramach.sean@epa.gov U.S. EPA, OWM, WPD, National Programs
Branch | 1200 Pennsylvania Ave., 4203M | Washington, DC 20460

For packages or overnight delivery, please mail to: 1201 Constitution Ave., 4203M, Washington DC 20004

☐ Please consider the environment before printing this e-mail.

-----Original Message-----

From: Wade, Alexis <Wade.Alexis@epa.gov>
Sent: Monday, October 07, 2019 9:47 AM
To: Zobrist, Marcus <Zobrist.Marcus@epa.gov>; Ramach, Sean <Ramach.Sean@epa.gov>
Cc: Wood, Robert <Wood.Robert@epa.gov>; Levine, MaryEllen <levine.maryellen@epa.gov>
Subject: FW: Cooling Water Intake Rule - ESA - CORRECTED

Marcus and Sean (cc-ing Rob and Mary Ellen) - see the email string below for a question from Dave asking for 316b documents.

Alexis Wade
Attorney-Adviser
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EPA Office of General Counsel
(202) 564-3273

-----Original Message-----

From: Levine, MaryEllen <levine.maryellen@epa.gov>
Sent: Monday, October 07, 2019 9:16 AM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Sawyers, Andrew <Sawyers.Andrew@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Wood, Robert <Wood.Robert@epa.gov>; Scozzafava, MichaelE <Scozzafava.MichaelE@epa.gov>

Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Aguirre, Janita <Aguirre.Janita@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>
Subject: RE: Cooling Water Intake Rule - ESA - CORRECTED

Ex. 5 Attorney Client (AC)

- Mary Ellen

Mary Ellen Levine
Assistant General Counsel
Water Law Office, Office of General Counsel
7510 C WJC North
(202) 564-1345

-----Original Message-----

From: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Sent: Monday, October 07, 2019 8:48 AM
To: Ross, David P <ross.davidp@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Sawyers, Andrew <Sawyers.Andrew@epa.gov>; Goodin, John <Goodin.John@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Aguirre, Janita <Aguirre.Janita@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Levine, MaryEllen <levine.maryellen@epa.gov>
Subject: RE: Cooling Water Intake Rule - ESA - CORRECTED

I hit send of note below before I was done. Fixed the message below and added Alexis and Mary Ellen

Steve Neugeboren
Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202 (564-5488)

-----Original Message-----

From: Neugeboren, Steven
Sent: Monday, October 7, 2019 8:47 AM
To: Ross, David P <ross.davidp@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Sawyers, Andrew <Sawyers.Andrew@epa.gov>; Goodin, John <Goodin.John@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Aguirre, Janita <Aguirre.Janita@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>
Subject: RE: Cooling Water Intake Rule - ESA

I think the lead for this would either be OST (who conducted the consultation and promulgated the rule) or OWM (who is implementing the rule), but your staffs can reach out to Alexis for support, as she is very familiar with the record.

Steve Neugeboren
Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202 (564-5488)

-----Original Message-----

From: Ross, David P <ross.davidp@epa.gov>
Sent: Monday, October 7, 2019 8:39 AM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Sawyers, Andrew <Sawyers.Andrew@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Aguirre, Janita <Aguirre.Janita@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>
Subject: Re: Cooling Water Intake Rule - ESA

Adding Steve.

Sent from my iPad

> On Oct 7, 2019, at 8:38 AM, Ross, David P <ross.davidp@epa.gov> wrote:
>
> Confidential; Deliberative
>
> I'm currently evaluating a 404(g) state assumption proposal from Florida and Arizona and how to address
ESA issues in state-assumed permitting. The proposal mentions the ESA process for the cooling water
intake rule as a potential model. Could someone pull together the ESA-based components of that rulemaking
for me, such as targeted discussion in the preamble, RTC, Bi-Op, etc. I'm not sure if this is an OGC or
OWM assignment, so please work together to figure out the most efficient way to get a packet together.
>
> Thanks!
>
> Dave
>
>
> Sent from my iPad